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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6943 OF 2007

1. Ichalkaranji Urban Co-op. Bank Ltd. & ors. ... Petitioners

V/s

1. Bank Employees Union, Kolhapur & ors.... Respondents

Mr. K.S.Bapat for the petitioners.

Mr. Prashant P. Kulkarni for the Respondent No.1.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 1ST OCTOBER, 2007.

P.C.:

1. The petition challenges the order of the Industrial Court which is an interim order in a complaint filed under Item 9 and 10 of Schedule IV of the M.R.T.U. & P.U.L.P. Act by the respondent No.1. The respondent No.1 has filed the complaint for a direction to the petitioners not to freeze their dearness allowance which they were entitled to under settlements dated 30.8.1996 and 15.10.2003. Admittedly, the settlement of 15.10.2003 has come to an end. However, it is well settled that the benefits under the settlement would continue to flow till the settlement is replaced by

another settlement or by an award. In the present case, the employees have filed the complaint seeking implementation of the settlement of 30.8.2003.

2. In my view, this interim order of the Industrial Court need not be interfered with at this stage. The Industrial Court has held that the petitioners have sought to effect an illegal change. The contention of the learned counsel for the petitioners is that several workmen had informed the petitioners that they were agreeable to freeze the dearness allowance. He submits that in these circumstances the Industrial Court was incorrect in granting the final relief. These submissions cannot be accepted, when there is a controversy as to whether the workers had in fact given such a latter to the petitioners and whether the workers were pressurized into signing that letter. In my view, this question needs to be considered by the Industrial Court when it decides the complaint. In the event the Industrial Court finds that respondents are not entitled to any relief, the Industrial Court can always pass consequential orders while deciding the complaint in respect of payments already made.

3. Writ petition rejected.

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